

## REMARKS

Claims 10-33 are pending; claims 10 and 20 are independent claims. Claims 10, 20, 21, and 28 have been amended; claims 30-33 have been added; claims 1-9 were previously cancelled. Reconsideration of the application, as amended, is respectfully requested.

### *Rejections under 35 USC § 112*

Claims 21, 28, and 29 stand rejected under 35 USC § 112 ¶ 2 as being indefinite for failing to point out and distinctly claim the subject matter that Applicant regards as the invention. In particular, it is asserted in the Office Action that it is unclear what is meant by “Christmas lights” as recited in claims 21 and 28. Claim 29 is dependent on claim 28.

Accordingly, each of claims 21 and 28 has been amended to delete the modifier “Christmas.” Each of those claims now recites only “a string of lights.” It is presumed that the meaning of “a string of lights” (*i.e.*, a plurality of electric lights connected to an insulated conductive wire in a spaced-apart arrangement along the length of the wire) is clear. Applicants respectfully submit that the rejection of Claims 21 and 28 is overcome by the amendment.

### *Rejections under 35 USC § 102*

Claims 10-29 stand rejected under 35 USC § 102(e) as being anticipated by Zakrzewski (US 6,732,991).

The rejection is believed overcome, because claims 10-29 are neither anticipated by Zakrzewski nor obvious in light of Zakrzewski for at least the following reasons.

**Claims 10 and 20.** Each of claims 10 and 20 recites “wherein the body is sized ... to fit within the interior of the slotted track with opposing ends of the body frictionally engaged with opposing side walls of the track ... , *which frictional engagement holds the lock in a substantially fixed longitudinal position along the track*” (emphasis added). Zakrzewski does not disclose a body so sized in any orientation. The Office Action does not correctly identify any portion or element disclosed by Zakrzewski that states or shows such a body.

It is asserted in the Office Action that element 220 of Zakrzewski's adapter 115 corresponds to the body recited in claims 10 and 20. However, by Zakrzewski (Fig. 6B and column 5 lines 1-10) clearly shows and describes that adapter 115 can slide along the track with element 220 rotated to frictionally engage the track. Zakrzewski further discloses retaining devices 170 that are attached to the track to hold the adapter 115 in a desired longitudinal position along the track (Fig.1 and column 3 lines 16-24) once adapter 115 is positioned by sliding as desired. Nowhere does Zakrzewski disclose or suggest that the frictional engagement of element 220 holds the lock in a substantially fixed longitudinal position along the track, as recited in claims 10 and 20. To the contrary, such a fixed position prevents the adjustment of the adapter 115 for which Zakrzewski clearly calls. Nor is there any reason why it would be desirable to modify Zakrzewski so as to have the adapter held in a fixed position by frictional engagement of element 220 within the track, because being held securely in that manner would render Zakrzewski's adapter unsuitable for one of its intended purposes (*i.e.*, to slide along the track to allow adjustment until being held in place by retaining elements 170).

Because Zakrzewski does not disclose all elements and limitations of claim 10 or claim 20, withdrawal of the rejection under 35 USC § 102 is respectfully requested.

In response to the previous Office Action, applicant distinguished two other references, Onishi and Moreland (prior patent), on the ground that independent claims 10 and 20 required that the body be "sized to fit within the interior of the slotted track with opposing ends of the body frictionally engaged with opposing side walls of the track when the narrower axis is parallel to the track," but that neither of the cited references met that limitation. Further, applicant's response noted that "frictional engagement would prevent" the elements that the Office Action had thought to correspond to the claimed body "from sliding along the track," whereas both Moreland and Onishi expressed "plain intent to allow" those elements "to slide along the slotted track."

The present primary reference, Zakrzewski, is no different. All three references disclose track systems in which a body of some sort can slide along the track, even when the body is oriented in a direction traversing the slotted track. By contrast, the present invention (expressed in explicit language of claims 10 and 20) requires that the

body be sized so that its ends frictionally engage the side walls of the track when oriented across the track and that such frictional engagement, when present, holds the lock in a location along the track, to the contrary of the body being sized so as to allow the body to slide along the track.

Claims 11-19 are dependent on claim 10; claims 21-29 are dependent on claim 20. It is respectfully submitted that those claims are allowable, for the reasons given above.

**Claims 30 and 31.** Each of claims 30 and 31 recites that the elongated handle is perpendicular to and extends across a rotation axis that is defined and surrounded by the neck. Zakrzewski does not disclose such an arrangement of the handle and neck.

Zakrzewski's adapter 115 includes handles 217 that extend away from the neck 205, but do not extend across the rotation axis 202 defined by the neck 205. Modification of the adapter of Zakrzewski to meet that limitation would render it unsuitable for one of its intended purposes (*e.g.*, receiving threaded element 900 or 1000 for supporting the track).

Because Zakrzewski does not disclose all limitations of claims 30 or 31, it is respectfully submitted that those claims are allowable.

**Claims 32 and 33.** Each of claims 32 and 33 recites that each light of the string and that portion of the wire to which it is attached are outside the track, so that the wire passes through the slot at a location between the frictionally engaged lock and the light. Zakrzewski does not disclose such an arrangement of the lock, track, wire, and light.

Zakrzewski's system is intended to support a track lighting system, in which a track is suspended from a structural element (*e.g.*, a ceiling or overhead beam), and the track supports one or more lights and contains the wiring for those lights. The slot between the adapters is covered by retaining member 170. Zakrzewski discloses no arrangement in which a light and an attached portion of the wire could fit outside the track with the wire passing through the slot at a location between the light and the adapter. Modification of Zakrzewski's adapter to meet that limitation would render it unsuitable for one of its intended purposes (*e.g.*, retaining adapter 115 in position along the track with retaining members 170).

Because Zakrzewski does not disclose all limitations of claims 32 or 33, it is respectfully submitted that those claims are allowable.

*Conclusion*

In view of the above, it is respectfully submitted that Claims 10-33 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested. Allowance of Claims 10-33 at an early date is earnestly solicited.

Respectfully submitted,  
KAREN MORELAND AND PHILLIP  
D. MORELAND  
by their attorney

Dated: July 24, 2008

/Louis J. Hoffman/  
Louis J. Hoffman  
Reg. No. 38,918

LOUIS J. HOFFMAN, P.C.  
11811 North Tatum Boulevard  
Suite 2100  
Phoenix, Arizona 85028  
(480) 948-3295